

### **DETAILED ACTION**

1. The following **Notice of Allowance** is in response to Applicant's submission received 08/31/2009.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Ryan Carter on 12/1/2009, 12/23/2009 and 12/29/2009.

#### **In the Specification:**

#### **Abstract:**

The Abstract has been amended as follows:

The present invention relates to a system and method ~~for estimating the value of athletes using a game achievement evaluation model, and more particularly, to a system and method~~ for estimating the value of athletes using a game achievement evaluation model, wherein objectified quality evaluation is performed including ~~in such a manner that~~ a game situation is classified into attack addition ~~(contribution)~~, attack

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subtraction (~~error~~), defense addition (~~contribution~~) and defense subtraction (~~error~~), 429 game factors are defined based on the classified factors, the assignment principle is set, the game factors are subclassified into 4277 game situation factors, and the game factors and the game situation factors are given with weights, unlike quantity-based record evaluation by [[a n]] an existing athlete contribution evaluation method. The existing record input method is dependent upon quantitative record only, and thus does not include situation information on how player plays a game under what situation.

**In the Claims:**

This listing of claims will replace all prior versions and listings of claims in the instant application. The Claims have been amended as follows:

**Claim 1** (Currently Amended) A system for estimating the value of athletes and athletic ball clubs using a game achievement evaluation model, the system comprising:

a manager server ~~having a function for receiving~~ configured to receive a member joining request when a user has access to a web site that includes the degree of contribution for qualitative evaluation of the athletes or the athletic ball clubs for the purpose of annual salary calculation of professional athletes, the scout of amateurs and a mercenary scout, an athlete draft, an athlete trade, ~~having a function for registering~~ configured to register members and ~~assigning~~ assign Identifiers (IDs) to the members, ~~having a function for storing and managing~~ configured to store and manage the members who joined the web site in a manager server database (DB), and ~~having a~~

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~~function for setting~~ configured to set game factors, with the degree of contribution by the athletes being classified into attack addition indicating a contribution, attack subtraction indicating an error, defense addition indicating a contribution and defense subtraction indicating an error according to game situations, based on the classified factors, ~~setting~~ set the game factors to detailed game situation factors, ~~assigning~~ assign numerical values to the game factors and the game situation factors with a different weight, and ~~sending~~ send quantitative results of the degree of contribution to a corresponding server or terminal when the user requests the results through the corresponding server or terminal;

a user terminal ~~having a function for accessing~~ configured to access to a web site within the manager server to make requests for member joining in order to know the degree of contribution for qualitative evaluation of the athletes or the athlete ball club for the purpose of annual salary calculation of the professional athletes, the scout of amateurs and the mercenary scout, the athlete draft, or the athlete trade, ~~having a function for assigning~~ configured to assign a member with an ID from the manager server after becoming a member, and ~~having a function for requesting~~ configured to request the degree of quantitative contribution of the athletes to the manager server[[,]] and ~~receiving~~ receive the degree of contribution data of the athletes;

~~a basketball player~~ an athlete terminal ~~having a function for accessing~~ configured to access to a web site within the manager server to make requests for member joining in order to know the degree of contribution for qualitative evaluation of the athletes or the athlete ball club for the purpose of annual salary calculation of the professional

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athletes, the scout of amateurs and mercenary scout, the athlete draft, or the athlete trade, ~~having a function for assigning~~ configured to assign a member with an ID from the manager server after becoming a member, and ~~having a function for requesting~~ configured to request the degree of quantitative contribution of the athletes to the manager server[[,]] and ~~receiving~~ receive the degree of contribution data of the athletes;

~~a basketball~~[[ -]] an athlete related institute server ~~having a function for accessing~~ configured to access to a web site within the manager server to make requests for member joining in order to know the degree of contribution for qualitative evaluation of the athletes or the athlete ball club for the purpose of annual salary calculation of the professional athletes, the scout of amateurs and mercenary scout, the athlete draft, or the athlete trade, ~~having a function for assigning~~ configured to assign a member with an ID from the manager server after becoming a member, and ~~having a function for requesting~~ configured to request the degree of quantitative contribution of the athletes to the manager server[[,]] and ~~receiving~~ receive the degree of contribution data of the athletes;

~~a basketball ball~~ an athlete club server ~~having a function for accessing~~ configured to access [[to]] a web site within the manager server to make requests for member joining in order to know the degree of contribution for qualitative evaluation of the athletes or the athlete ball club for the purpose of annual salary calculation of the professional athletes, the scout of amateurs and mercenary scout, the athlete draft, or the athlete trade, ~~having a function for assigning~~ configured to assign with an ID from the manager server after becoming a member, and ~~having a function for requesting~~

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configured to request the degree of quantitative contribution of the athletes to the manager server[[,]] and ~~receiving~~ receive the degree of contribution data of the athletes;

a press institute server ~~having a function for accessing~~ configured to access to a web site within the manager server to make requests for member joining in order to know the degree of contribution for qualitative evaluation of the athletes or the athlete ball club for the purpose of annual salary calculation of the professional athletes, the scout of amateurs and mercenary scout, the athlete draft, or the athlete trade, ~~having a function for assigning~~ configured to assign with an ID from the manager server after becoming a member, and ~~having a function for requesting~~ configured to request the degree of quantitative contribution of the athletes to the manager server[[,]] and ~~receiving~~-receive the degree of contribution data of the athletes;

a financial institute/credit card company/mobile communication company billing server ~~having a function for receiving~~ configured to receive an authentication request for one or a plurality of financial information, card information and mobile communication information, which are settlement numbers of the user, from the manager server, and ~~having a function for comparing~~ configured to compare one or a plurality of financial information, card information and mobile communication information with information stored in a corresponding database among the financial institute server, the credit card company server and the mobile communication company billing server, and ~~sensing~~ conveying the authentication result to the manager server;

a payment system server ~~having a function for receiving~~ configured to receive one or the plurality of the settlement numbers among the user, who are authenticated

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by the financial institute/credit card company/mobile communication company billing server, from the manager server, and ~~having a function for confirming~~ confirm the settlement number and then ~~sending~~ send the settlement results to the manager server; and

a communication service company server ~~having a function for receiving~~ configured to receive the degree of contribution information of the players and the settlement information from the manager server after being settled by the settlement system server, and ~~having a function for sending~~ configured to send the degree of contribution information by the players and the settlement information, which are received from the manager server, to a terminal, a user or a ~~baseball player~~ athlete mobile phone of the user via e-mail, short message service of a mobile phone, or a messenger [[etc]].

**Claim 2** (Currently Amended) The system as claimed in claim 1, wherein the manager server comprises:

a member subscription unit ~~for allowing the user to request~~ configured to receive a member joining request through the server or terminal;

a member permission unit ~~for authorizing~~ configured to authorize the member joining request, and then assigning an ID to the member;

a member information ~~for storing and managing~~ database configured to store and manage members;

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an athlete contribution degree ~~for storing and managing~~ database configured to store and manage the degree of contribution by athletes;

a game factor unit having an attack addition game factor unit indicating attack contribution portions including team morale increase contribution addition generated by a game situation of an athlete, an attack subtraction game factor unit indicating attack error portions including point acquisition cancellation error subtraction, a defense addition game factor unit indicating defense contribution portions including full possible losing point dissipation contribution addition, and a defense subtraction game factor unit indicating defense error portions including full self-blame possible losing point error subtraction;

a game situation factor unit including an attack addition game situation factor unit indicating detailed items of attack addition game factors indicating attack contribution portions generated by a game situation of an athlete, an attack subtraction game situation factor unit indicating detailed items of attack subtraction game factors indicating attack error portions, a defense addition game situation factor unit indicating detailed items of defense addition game factors indicating defense contribution portions, and a defense subtraction game situation factor unit indicating detailed items of defense subtraction game factors indicating defense error portions;

a median setting unit ~~for setting~~ configured to set representative values for respective detailed items that constitute the game factor unit and the game situation factor unit;

a weight setting unit ~~for multiplying~~ configured to multiply the game factor median and the game situation factor median set in the median setting unit; and

a contribution degree calculation unit ~~for calculating~~ configured to calculate the degree of contribution by athletes based on a difference between addition factors including contribution factors for attack and defense addition to which weights are applied, and subtraction factors including error factors for attack and defense subtraction to which weights are applied.

**Claim 3 (Cancelled)**

**Claim 4 (Currently Amended)** A method of estimating the value of athletes using a game achievement evaluation model, wherein a value calculation process comprises the steps of:

(a) ~~allowing setting, by~~ a game factor unit within a manager server, ~~to set~~ attack addition game factors of a number of items, attack subtraction game factors of a number of items, defense addition game factors of a number of items and defense subtraction game factors of a number of items;

(b) ~~allowing setting, by~~ a game situation factor unit within the manager server, ~~to set~~ game situation factors of items for each of the items of the attack addition game factors, the items of the attack subtraction game factors, the items of the defense addition game factors and the items of the defense subtraction game factors;



(c) ~~allowing setting, by~~ a median setting unit within the manager server, ~~to set~~ the median for each of the game factors and the game situation factors under the game situation principle for the attack addition game factors, the attack subtraction game factors, the defense addition game factors and the defense subtraction game factors;

(d) ~~allowing setting, by~~ a weight setting unit within the manager server, ~~to set~~ weight for each of the game situation factors under the game situation principle for the attack addition game factors, the attack subtraction game factors, the defense addition game factors and the defense subtraction game factors to the median of each game factor multiplied by the median of each game situation factor divided by 400;

(e) ~~allowing calculating, by~~ a contribution degree calculation unit within the manager server, ~~to calculate~~ the degree of game contribution by the athletes based on a difference between addition factors including a game situation factor multiplied by a corresponding weight and a subtraction factor including a game situation factor multiplied by a corresponding weight; and

(f) calculating the value of the athletes based on the degree of game contribution.

**Claim 5** (Previously Presented) The method as claimed in claim 4, wherein in step (a), detailed items of the attack addition game factor unit include full shooting capture ability contribution addition, shooting chance capture ability contribution addition, possible losing point removal contribution addition, full team morale-inspired contribution addition, team morale-inspired contribution addition, high degree-skill contribution addition, full disadvantage overcome ability contribution addition, disadvantage

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overcome ability contribution addition, disadvantage overcome fail contribution addition, full point-possible securing contribution addition, score-possible providing contribution addition, score record cancellation-considered contribution addition, full score chance ability loss contribution addition, point chance ability loss contribution addition, alternate score additional contribution addition, lucky score addition contribution addition, indirect chance fostering contribution addition, direct chance assistance contribution addition, indirect chance sacrifice contribution addition, direct chance sacrifice contribution addition, athlete defense shrinkage contribution addition, opponent team defense shrinkage contribution addition, attack time re-application contribution addition, full point cooperation contribution addition, point cooperation contribution addition, teamwork completion cooperation contribution addition, teamwork cooperation contribution addition, positive participation contribution addition, shooting chance cooperation contribution addition, full shooting chance cooperation contribution addition, swift attack cooperation contribution addition, full swift attack cooperation contribution addition, possession acquisition contribution addition, free throw possession ability contribution addition, full possession acquisition contribution addition, possession acquisition-side contribution addition, score record acquisition contribution addition, opponent teamwork degeneracy contribution addition, opponent team formation obstruction contribution addition, opponent defense disturbance contribution addition and right shooting timing contribution addition;

detailed items of the attack subtraction game factor unit include point acquisition cancellation error subtraction, direction team-moral degeneracy error subtraction,

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indirect team moral degeneracy error subtraction, possession-possible chance removal error subtraction, possession loss providing error subtraction, indirect possession loss providing error subtraction, possession loss-possible providing error subtraction, possible losing point providing error subtraction, indirect possible losing point providing error subtraction, full possible losing point providing error subtraction, score-possible removal error subtraction, indirect score-possible removal error subtraction, full score chance dissipation error subtraction, indirect score chance dissipation error subtraction, general full score chance dissipation error subtraction, general indirect score chance dissipation error subtraction, game basic capability lack error subtraction, score addition chance dissipation error subtraction, victory factor removal error subtraction, unreasonable shooting attempt error subtraction, right shooting timing lack error subtraction, teamwork cooperation lack error subtraction, full teamwork cooperation lack error subtraction, positive participation lack error subtraction, full positive participation lack error subtraction, prediction ability lack error subtraction, personal defense shrinkage load error subtraction, team member personal defense shrinkage load error subtraction, team defense shrinkage degeneracy error subtraction, teamwork lowering fostering error subtraction, teamwork formation obstruction error subtraction, instant chance cooperation lack error subtraction, opponent swift attack-possible chance assignment error subtraction and opponent free throw-possible assignment error subtraction;

detailed items of the defense addition game factor unit include full possible losing point dissipation contribution addition, possible losing point dissipation contribution

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addition, full losing point allowance dissipation contribution addition, possession acquisition-possible assignment contribution addition, shooting fail factor assignment contribution addition, full shooting fail factor assignment contribution addition, shooting mental shrinkage contribution addition, counter team morale lowering contribution addition, direct the other party morale lowering contribution addition, possible losing point previous removal contribution addition, game rhythm interception contribution addition, teamwork stability opponent assignment contribution addition, losing point minimum-possible assignment contribution addition, optimal defense ability contribution addition, full optimal defense ability contribution addition, defense positive participation contribution addition, full defense positive participation contribution addition, teamwork assistance contribution addition, error inducing factor assignment contribution addition, full error-inducing assignment contribution addition, score chance-possible assignment contribution addition, full score-possible assignment contribution addition, the other party personal defense shrinkage contribution addition, opponent team defense shrinkage contribution addition, defense confusion recovery contribution addition, possession acquisition contribution addition, opponent teamwork formation obstruction contribution addition, opponent team member formation obstruction contribution addition, swift attack-possible chance providing contribution addition and positive sacrifice participation contribution addition; and

detailed items of the defense subtraction game factor unit include minimum self-blame losing point assignment error subtraction, full self-blame losing point assignment error subtraction, full self-blame possible losing point error subtraction, maximum self-

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blame losing point assignment error subtraction, countermeasure absence losing point error subtraction, countermeasure absence possible losing point error subtraction, countermeasure absence-inducing error subtraction, assistance self-blame losing point-considered error subtraction, assistance self-blame-possible losing point-considered error subtraction, situation coping ability lack error subtraction, assistance coping ability lack error subtraction, basic defense ability lack error subtraction, indirect opponent team morale-inspired error subtraction, direct opponent team morale-inspired error subtraction, personal defense shrinkage error subtraction, personal defense shrinkage fostering error subtraction, team defense shrinkage fostering error subtraction, mentality control ability lack error subtraction, opponent teamwork consolidation chance providing error subtraction, teamwork collapse curse providing error subtraction, possible losing point increase-induced error subtraction, game flow prevention ability lack error subtraction, team-pattern confusion assignment error subtraction and team member formation difficulty providing error subtraction.

**Claim 6** (Previously Presented) The method as claimed in claim 4, wherein in step (b), the game situation factors for the items of the attack addition game factors, the items of the attack subtraction game factors, the items of the defense addition game factors, and the items of the defense subtraction game factors are divided into 7 items, 13 items, 21 items, 5 items, 9 items, 12 items and 4 items,

the 7 items are a contribution in a disadvantageous point situation of lower than – 7 or in an advantageous point situation of over +7, a contribution in a disadvantageous

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point seesaw approach situation of -6 to -4, a contribution in an advantageous point seesaw approach situation +6 to +4, a contribution in a disadvantageous point seesaw situation of -1 to -3, a contribution in an advantageous point seesaw situation of +1 to +3 and a contribution in a tie situation;

the 13 items are a contribution in a disadvantageous point situation of lower than -7, a contribution in an advantageous situation of over +7, a disadvantageous point seesaw approach of -6 to -4 entry possible contributions in an advantageous point situation of lower than -7, a disadvantageous point situation of over +7 entry-possible contributions in a disadvantageous point seesaw approach situation of +6 to +4, a contribution within a disadvantageous point seesaw approach of -6 to -4 in disadvantageous point seesaw approach situation of -6 to -4, a possible contribution within a disadvantageous point seesaw approach of +6 to +4 in a seesaw approach situation of +6 to +4, a disadvantageous point seesaw situation of -1 to -3 entry-possible contributions in an advantageous point seesaw approach situation of -6 to -4, a disadvantageous point seesaw approach situation of +6 to +4 entry-possible contributions in a disadvantageous point seesaw situation of +1 to +3, a possible contribution within a disadvantageous point seesaw situation of -1 to -3 in a disadvantageous point seesaw situation of -1 to -3, a possible contribution within a disadvantageous point seesaw situation of +1 to +3 in a disadvantageous point seesaw situation of +1 to +3, a tie situation entry-possible contribution in a disadvantageous point seesaw situation of -1 to -3, a disadvantageous point seesaw situation of +1 to +3 entry-possible contributions in a tie situation, and disadvantageous point seesaw

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situation of +1 to +3 entry-possible contribution in a disadvantageous point seesaw situation of -1 to -3;

the 21 items are Point in disadvantageous point situation of lower than -7, a Point in advantageous situation of over +7, a disadvantageous point seesaw approach from -6 to -4 entry points in an advantageous point situation of lower than -7, a disadvantageous point situation of over +7 points in a disadvantageous point seesaw approach situation of +6 to +4, a point within a disadvantageous point seesaw approach of -6 to -4 in an advantageous point seesaw approach situation of -6 to -4, a point within a disadvantageous point seesaw approach of +6 to +4 in a disadvantageous point seesaw approach of +6 to +4, a disadvantageous point seesaw situation of -1 to -3 points in a disadvantageous point seesaw approach situation of -6 to -4, a disadvantageous point seesaw approach situation of +6 to +4 points in a disadvantageous point seesaw situation of +1 to +3, a point within a disadvantageous point seesaw situation of -1 to -3 in a disadvantageous point seesaw situation of -1 to -3, a point within a disadvantageous point seesaw situation of +1 to +3 in a disadvantageous point seesaw situation of +1 to +3 a tie situation point in a disadvantageous point seesaw situation of -1 to -3, a disadvantageous point seesaw situation of +1 to +3 points in a tie situation, a disadvantageous point seesaw situation of +1 to +3 points in a disadvantageous point seesaw situation of -1 to -3 a tie point simultaneously with attack time end or quarter end in a disadvantageous seesaw situation of -1 to -3, a reverse point simultaneously with attack time end or quarter end in a disadvantageous seesaw situation of -1 to -3, a reverse point simultaneously with

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attack time end or quarter end in tie situation, a tie point in last attack with game end time being left several seconds in a disadvantageous seesaw situation of -1 to -3, a reverse point in last attack with game end time being left several seconds in a tie situation, a tie point simultaneously with game end buzzer in a disadvantageous seesaw situation of -1 to -3, a reverse point simultaneously with game end buzzer in a disadvantageous seesaw situation of -1 to -3 and a reverse point simultaneously with game end buzzer in tie situation;

the 5 items are one foul record, a second foul record, a third foul record, a fourth foul record and a walkout foul record;

the 9 items are walk-out in extra game and one or more participation stops, walk-out after five minutes in the fourth quarter, walk-out before five minutes in the fourth quarter, walk-out after five minutes in the third quarter, walk-out before five minutes in the third quarter, walk-out after five minutes in the second quarter, walk-out before five minutes in the second quarter, walk-out after five minutes in the first quarter, and walk-out before five minutes in the first quarter;

the 12 items are a shooting error in a disadvantageous point situation of lower than -7, a shooting error in an advantageous point situation of over +7, a shooting error in a disadvantageous point seesaw approach situation of -6 to -4, a shooting error in a disadvantageous point seesaw approach situation of +6 to +4, a shooting error in a disadvantageous point seesaw situation of -1 to -3, shooting error in a disadvantageous point seesaw situation of +1 to +3, a shooting error in a tie situation, tie shooting error in a last attack with several seconds being left before a game ends in a disadvantageous



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point seesaw situation of -1 to -3, reverse point shooting error in the last attack with several seconds being left before a game ends in a tie situation, a tie shooting error simultaneously with a game end buzzer in a disadvantageous seesaw situation of -1 to -3, reverse point shooting error simultaneously with a game end buzzer in a disadvantageous seesaw situation of -1 to -3, and reverse point shooting error simultaneously with a game end buzzer in a tie situation; and

the 4 items are an advantageous and disadvantageous situation of  $\pm 7$  points, an advantageous and disadvantageous seesaw approach situation of  $\pm 6$  to  $\pm 4$  points, an advantageous and disadvantageous seesaw situation of  $\pm 3$  to  $\pm 1$  points, and contribution in a tie situation.

**Claim 7 (Cancelled)**

**Allowable Subject Matter**

3. Claims 1-2 and 4 - 6 are allowed.

**Reasons for Allowance**

4. The following is an examiner's statement of reasons for allowance:

The closest prior art is Junkin US 5,846,132, Kahn LM (1993) (Managerial quality, team success, and individual player performance in major league baseball. Industrial & Labor Relations Review. 46(3): 531-547 (herein Kahn)), Downes (US 6,910,965), and Dukes et al (US 7,458,093).

Junkin discloses a method and apparatus for evaluating the performance of players in a sporting event. In so doing, Junkin discloses registering users using ID (see FIG 3 and associated text; noting SS# is an individual user ID. Further noting the initial call and registration is a joining request), recording individual and team statistics based on player and team performance based on an individual contest and calculates a score for each player accordingly, using team statistics, in addition individual statistics for calculating a player score (see Figure 7 and associated text), using a plurality of inputs used to calculate a player's score including achievement, missed opportunities, outstanding performance and the like (see column 3, lines 63 et seq. and column 4, lines 1-30); players performance, injuries, statistics, etc. are applied to calculate a score for a plurality of sports (see column 4, lines 12-38); player statistics and rules (see column 9, lines 19-34); Individual Player Score and Team Score (column 10, lines 46-61); performance game factors are provided and are specific to the individual sport/contest (see column 10, line 62 et seq. and column 11, lines 1-64); and a transaction unit for trading athletes (see column 4, lines 39-54 and column 16, lines 29-63).

Kahn teaches methods for calculating quality and performance of athletes and managers as a function of salary in context of baseball (see page 7; noting player performance is measured and salary is calculated based utilizing a market based approach). Further, the method calculates performance by using past performance and current performance indicators including batting averages, stolen bases per game, fielding performance, etc. to calculate the salary of players.

Downes teaches financial transaction terminals (see FIG 1 and associated text; noting accounts database and terminals related to user accounts to exchange money.).

Dukes teaches registration terminals and their collateral components (see FIG 3A-B and associated text; noting users request to join, provide IDs, IDs are checked for validity, authenticated and then allowed access).

However, the combination of Junkin, Khan, Downes and Dukes fails to teach a communication service company server configured to receive the degree of contribution information of the players and the settlement information from the manager server after being settled by the settlement system server, and configured to send the degree of contribution information by the players and the settlement information, which are received from the manager server, to a terminal, a user or a athlete mobile phone of the user via e-mail, short message service of a mobile phone, or a messenger as recited in independent claim 1.

Furthermore, the combination of Junkin, Khan, Downes and Dukes fails to teach calculating, by a contribution degree calculation unit within the manager server, the degree of game contribution by the athletes based on a difference between addition factors including a game situation factor multiplied by a corresponding weight and a subtraction factor including a game situation factor multiplied by a corresponding weight, and calculating the value of the athletes based on the degree of game contribution, as recited in the independent claim 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

5. The following references are considered relevant to the instant application, however none of the cited references alone or in combination disclose or teach the Reasons for Allowance *supra*:

- Pearson et al., (US 5,018,736). Pearson discloses a system and method for valuing athletes based on performance. Further, Pearson teaches an interactive system for users for users to communicate information and access player and performance information.
- Holte (US 5,713,793). Holte teaches a system and method for calculating a value based on specific performance of players during a contest. Further, Holte teaches different valuations based thresholds of achievement and game situations.
- Gavriloff (US 6,371,855 B1). Garvriloff teaches a system and method for users to solicit and accept membership to a network involving valuation of athletes. The evaluation of athletes is based in part on value, points, game situations, position, demand for the player and performance. The athlete's value is consistently updated based on status, performance, situation analysis and the like.
- Del Prado (US 2004/0110552 A1). Del Prado teaches a system and method for valuing athletes based on position, performance, and the like. Further, Del Prado teaches a system and method for allowing a plurality of users to interact over a network.

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- Mullin CJ and Dunn LF (2002). Using baseball card prices to measure star quality and monopsony. *Economic Inquiry*. 40(4): 1-18; discloses method for calculating the market value of a player based on the players performance and other market drivers including fame. Performance metrics include variables such as batting average, home runs, stolen bases, etc. Further, methods include using individual and team performance indicators to calculate the market value of athletes. Further, methods include the ability to weight factors based on their degree of importance.
- Faurot DJ and McAllister S (1992). Salary arbitration and pre-arbitration negotiation in major league baseball. *Industrial and labor relations Review*. 45(4): 697-710; discloses methods for fair salary calculation between athletes, clubs and leagues. The methods include variables used to calculate an athlete's salary including offensive and defensive performance metrics.
- Yilmaz MR and Chatterjee S (2003). Salaries, performance, and owner's goals in major league baseball: A view through data. *Journal of Managerial Issues*. 15(2): 243-255; discloses method for calculating athlete compensation as a function of performance. Further, methods include past performance, fan interest, team impact and other variables to calculate athlete's salaries.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Brett Feeney** whose telephone number is **571.270.5484**. The Examiner can normally be reached on Monday-Thursday, 7:30am-6:30pm. If attempts to reach the

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examiner by telephone are unsuccessful, the Examiner's supervisor, **BRAD BAYAT** can be reached at **571.272.6704**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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**Washington, D.C. 20231**

or faxed to **571-273-8300**.

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Examiner, Art Unit 3624

/Romain Jeanty/

Primary Examiner, Art Unit 3624

*January 20, 2010*